

## INVESTIGATING AND PROSECUTING SEXUAL ASSAULT ON CAMPUS: A MULTIDISCIPLINARY APPROACH

### Pre-Training Assignment (1.5 Hours)\*

View: **Neurobiology of Sexual Assault: Implications for First Responders in Law Enforcement, Prosecution and Victim Advocacy Webinar** by Dr. Rebecca Campbell, Professor of Psychology, Michigan State University, and complete a written assignment. <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/welcome.aspx>.

#### *Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Describe the underlying neurobiology of traumatic events.
- Describe the emotional and physical manifestation of trauma.
- Describe how trauma responses and processes can affect the investigation and prosecution of sexual assault.

*\*Written assignment must be completed and turned in at sign-in/registration on the first day of the training.*

### Day 1

10:30 a.m. – 11:30 a.m.	Registration
11:30 a.m. – 11:45 p.m.	Welcome/Orientation: Attorney General Andy Beshear Gretchen Hunt and Jim Root
11:45 p.m. – 1:30 p.m.	<p><b>Working Lunch: Victim Centered, Trauma Informed and Multidisciplinary Team Investigation and Prosecution of Sexual Assault.</b></p> <p><i>Panelists:</i> Gretchen Hunt (facilitator), Laela Kashan, Angelina Alcott, Kayla Ray, Meghan Wright</p> <p>A panel of experts and survivors will introduce themes of trauma informed, victim centered investigations and prosecutions and working as a multidisciplinary team. Panelists will discuss issues and challenges and cultural context specific to campus sexual assault cases and the needs of survivors on campus.</p> <p><i>Learning objectives:</i></p> <p>At the conclusion of this presentation, participants will be better able to:</p> <ul style="list-style-type: none"><li>• Describe a trauma informed and victim centered approach to sexual assault cases.</li><li>• Identify issues and challenges specific to campus sexual assault cases.</li><li>• Identify common needs of survivors on campus.</li></ul>
1:30 p.m. – 2:45 p.m.	<p><b>“In Their Shoes-College Edition”</b></p> <p><i>Trainer:</i> Ashley Hinton Moncer, Ashley Hill, Jennifer Johnson</p> <p><i>Learning objectives:</i></p> <p>At the conclusion of this presentation, participants will be better able to:</p> <ul style="list-style-type: none"><li>• With reference and as discussed in class, the student will be better able to understand the issues and emotions survivors of campus sexual violence face each day.</li><li>• With reference and as discussed in class, the student will be better able to understand the different responses survivors receive from family,</li></ul>

friends, fellow students, university faculty and staff and other members of the campus community.

- With reference and as discussed in class, the student will be better able to understand the true complexity of sexual violence and the lasting impact it has on the survivor, their loved ones and members of the campus community.

2:45 p.m. – 3:00 p.m.

### **Break**

3:00 p.m. – 5:00 p.m.

### **Title IX and Kentucky Civil and Criminal Options**

*(Trainers will provide a 15-minute break)*

*Trainers: Ashley Hinton Moncer, Laela Kashan, Gretchen Hunt*

#### *Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Describe the basic requirements of and remedies available through Title IX of the Education Amendments of 1972.
- Understand and describe the potential civil remedies available to victims of sexual harassment and assault on campus.
- Understand and describe where and how to initiate the process of pursuing criminal charges related to sexual assault occurring on campus.

7:00 p.m. – 7:45 p.m.

### **Evening Assignment\* (on your own) (.75 Hours)**

Review: **The Blueprint for Campus Police: Responding to Sexual Assault: Toolkit for Campus Police: Briefing Sheets** and complete a written assignment.

<http://sites.utexas.edu/idvsa/title-blueprint-for-campus-police-responding-to-sexual-assault/>

#### *Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Identify and apply best practices when investigating cases of non-stranger sexual assault.
- Identify and apply best practices when investigating cases of alcohol-facilitated sexual assault.
- Define what a “victim-centered” response to sexual assault is and apply best practices for a victim-centered response when investigating sexual assault cases.

*\*Written assignment must be completed and turned in at sign-in on the second day of the training*

## **Day 2**

8:00 a.m. – 10:00 p.m.

### **Higher Education: Dispelling Myths to More Effectively Investigate and Prosecute Campus Rape**

*Trainers: Jon Kurland and Tom McDevitt*

Research shows the vast majority of sex offenders are non-stranger rapists and serial offenders. Non-stranger rapists rely on premeditated tactics and nontraditional weapons and are adept at creating, identifying, and manipulating

perceived vulnerabilities in their victims. These offenders also benefit from common misconceptions and false expectations of offenders (appearance, behavior use of weapons, etc.) that can result in failure to identify non-stranger rapists who do not meet these expectations. To more effectively identify, investigate and prosecute non-stranger rapists on campus, prosecutors must overcome common myths and misconceptions about sexual violence, especially if judges and juries believe them.

This presentation will provide a comprehensive overview of sex offenders with an emphasis on non-stranger rapists (motivations and characteristics, myths and misconceptions, serial and crossover offending, etc.) and focus on strategies for overcoming the unique challenges these offenders present on campus.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Identify predatory behavior and other characteristics of sex offenders on campus.
- Develop strategies to educate judges and juries as well as faculty, staff, and students about offenders and thereby overcome societal myths and misconceptions.
- Focus on the offender and their predatory behavior from investigation through sentencing.
- Collaborate with allied professionals to identify, investigate, and prosecute non-stranger sexual assaults on campus.

10:00 a.m. – 10:15 a.m.

**Break**

10:15 a.m. – 12:00 p.m.

**Strategies for Effectively Investigating and Prosecuting Alcohol Facilitated Sexual Assault**

*Trainers:* Jon Kurland and Tom McDevitt

Alcohol is the weapon most commonly used by sex offenders. It renders victims vulnerable, affects memory, and impairs judgment. Its unique toxicological effects, widespread use, and ease of consumption render it the ideal substance to facilitate sexual assault. However, some of the same factors that make alcohol such a perfect weapon also present unique challenges for investigators, prosecutors, and other allied professionals in alcohol-facilitated sexual assault (AFSA) cases.

This presentation will explore common issues and challenges related to the investigation and prosecution of sexual assault cases where alcohol is present. More specifically, it will focus on basic toxicology, charging and the effect of societal attitudes about alcohol on determinations of victim credibility. In addition, this presentation will promote a victim-centered response that incorporates offender-focused strategies for effective investigation and prosecution of AFSA cases.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Develop strategies to investigate sexual assault cases where alcohol is present.
- Overcome challenges related to the investigation and prosecution of sexual assault cases where alcohol is present.
- Collaborate with allied professionals to promote a victim-centered response that incorporates offender-focused strategies.

12:00 p.m. – 1:15 p.m.

**Working Lunch: Investigating and Prosecuting: Lessons from Survivors**

*Panelists:* Gretchen Hunt (Facilitator) Clorissa Novak, Angelina Alcott, Meghan Wright and Kayla Ray

Panel will discuss what is helpful and what is not helpful in encouraging victims to report, tell their story and engage in the investigation and prosecution. Session will feature a question and answer period.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- List and implement practices that encourage victims to report, tell their story and engage in the investigation and prosecution of sexual assault cases.
- Identify and refrain from engaging in practices that deter victims from reporting, telling their story and engaging in the investigation and prosecution of sexual assault cases.
- Understand the impact of how an investigation is conducted on the ability and willingness of the victim to tell their story and engage in the investigation and prosecution of a sexual assault case.

1:15 p.m. – 1:30 p.m.

**Break**

1:30 p.m. – 3:15 p.m.

**Multiple Defendant Rape, Witnessed Rape and Other Complex Cases**

*Trainers:* Jon Kurland and Tom McDevitt

Headlines related to multiple offender and witnessed rape cases, including those occurring on campuses or involving college/university affiliated athletic teams and other organizations, are becoming more prevalent but experienced sexual violence officers and prosecutors know that these cases are not new. These historically difficult cases are becoming more complex due to the use of technology – including social media – to threaten and intimidate rape victims. In addition, defendants often stick together to point the fingers of blame at one another to manipulate the justice system, cast doubt on the victim's credibility, and try to avoid accountability. Where multiple defendants are involved, the challenges to investigation and prosecution multiply as well and innovative solutions must be employed to protect victim privacy and achieve justice.

This presentation will identify the issues that commonly arise in multiple defendant cases, including but not limited to, the use of technology, joinder and severance, immunity, principals and accessories, and admissibility of evidence. In addition to identifying these issues, this presentation will focus on innovative solutions to overcome these challenges, which include witness intimidation and common defenses as well.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Investigate and prosecute multiple defendant and witnessed rape cases, including those occurring on campus.
- Identify and respond to the different dynamics and legal issues that are involved when there are multiple perpetrators or witnesses.
- Respond to sexual assault cases and ensure that accurate evidence-based decisions are made.

3:15 p.m. – 3:30 p.m.

**Break**

3:30 p.m. – 5:00 p.m.

**From Barriers to Solutions: Perspectives, Viewpoints, and the Role of the Prosecutor as a Catalyst for Meaningful Change**

*Trainers:* Jon Kurland and Tom McDevitt

Sexual violence is routinely underreported and misunderstood by laypersons and even by trained criminal justice professionals. Our ability to identify offenders and victims has improved, but there are still significant gaps in the justice system's response to sexual violence. When cases are reported, the support of the victim depends not only on the existence of a SART, but on effective, trauma-informed practices by every participating professional. Prosecutors, specifically, are responsible for taking a leadership role and providing guidance throughout the investigation and prosecution of a case.

This presentation will discuss promising sexual assault investigative and prosecutorial strategies and will offer solutions for overcoming some of the barriers in order to enhance victim safety and increase offender accountability. Participants will learn how collaboration and coordination among professionals can increase victim support, identify relevant evidence, prevent witness intimidation, prepare for trial and combat defenses.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Balance victim safety with offender accountability.
- Collaborate and coordinate with allied professionals to identify relevant evidence, prevent witness intimidation, prepare for trial and combat defenses.
- Identify strategies and solutions that aid in overcoming challenges related to investigation and prosecution of sexual violence.

7:00 p.m. – 8:45 p.m.

**Evening Assignment\* (on your own) (1.75 Hours)**

View: **The Forensic Experiential Trauma Interview (FETI): A Conversation with the Brainstem Webinar** by Russell W. Strand, United States Army Military Police School <http://www.bwjp.org/resource-center/resource-results/the-forensic-experiential-trauma-interview-feti.html>, Read: **The Forensic Experiential Trauma Interview (FETI)**. <http://www.mncasa.org/assets/PDFs/FETI%20-%20Public%20Description.pdf> and complete a written assignment

Learning objectives:

At the conclusion of this presentation, participants will be better able to:

- Understand the neuroscience upon which the Forensic Experimental Trauma Interview (FETI) process is based.
- Describe the benefits of using the Forensic Experimental Trauma Interview (FETI) process.
- List at least five (5) of the interview techniques used in the FETI.

*\*Written assignment must be completed and turned in at sign-in on the last day of the training.*

### **Day 3**

8:00 a.m. – 10:00 a.m.

#### **The Neurobiology of Trauma and Trauma Informed Interviewing**

*Trainers:* Jon Kurland and Gretchen Hunt

Crimes of sexual assault go vastly under reported and perpetrators continue undetected. By using the lens of trauma, prosecutors, law enforcement officers and allied professionals can strengthen their capacity to provide an effective response to victims of sexual assault while simultaneously holding offenders more accountable.

##### *Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Describe how specific experiences impact victim trauma, memory, reactions and behavior and how officer interpretation of this behavior impacts sexual assault investigations.
- Understand that victim disclosure often occurs in pieces over time and identify strategies for working with victims to facilitate trust and communication.
- Conduct victim interviews and document sexual assault cases utilizing physical, psychological and sensory evidence to effectively build a strong case.

10:00 a.m. – 10:15 a.m.

#### **Break**

10:15 a.m. – 12:00 p.m.

#### **Beyond Conviction Rates: Measuring Success in Sexual Assault Investigations and Prosecutions**

*Trainers:* Jon Kurland

Prosecutorial effectiveness is commonly measured by conviction rates, largely because they are readily available. But, are conviction rates an accurate measure of success? For difficult cases, like sexual assaults, conviction rates do not capture the quality of the investigation, the prosecution strategies or the relative difficulty of the cases taken forward. Experienced investigators and prosecutors know they will not win every case. In fact, some would argue that if you aren't losing any cases, you aren't trying the right ones. With singular focus on high conviction rates, far too many cases go unprosecuted because of fears that the cases won't be won, which results in sex offenders escaping justice and communities and victims being less safe. So, how can success in sexual assault prosecution be measured, if not by conviction rates? Is there a better way of measuring the effectiveness of practices in these cases that would allow us to improve and sustain them?

This presentation will discuss promising sexual assault investigation and prosecution strategies as well as measuring effectiveness in a way that does not rely solely upon conviction rates. The presenters will discuss other, more meaningful performance measures, and will describe how they can be used to more accurately measure and sustain effective investigation and prosecution practices.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Identify promising sexual assault investigation and prosecution practices.
- Develop strategies to measure investigative and prosecutorial effectiveness.
- Overcome challenges related to success based on conviction rates alone.

12:00 p.m. – 12:15 p.m.

**Break**

12:15 p.m. – 2:00 p.m.

**Working Lunch – Campus and Community Collaboration: Implementing A Trauma-informed, Victim-centered, and Multidisciplinary Approach to Sexual Assault Cases on Your Campus and In Your Community.**

*Trainers/Facilitators:* Gretchen Hunt, Ashley Hinton-Moncer, Gregg Muravchick, Jennifer Johnson

Implementing a trauma-informed, victim-centered, and multidisciplinary approach is key to achieving the best outcome in sexual assault cases, particularly those occurring on campus. Participants will work in teams of a prosecutor, law enforcement officer, victim advocate and university representative to analyze a case study and determine how they can better collaborate to assist and protect victims, hold the offenders accountable and protect their campus and community.

*Learning objectives:*

At the conclusion of this presentation, participants will be better able to:

- Describe the benefits of a trauma-informed, victim-centered, and multidisciplinary approach to sexual assault cases.
- Identify the key participants and the role and responsibilities of each.
- Implement a trauma-informed, victim-centered, collaborative and multidisciplinary approach in cases of campus sexual assault.

2:00 p.m. – 2:30 p.m.

**Written Exam and Critique**